

CALIFORNIA LEGISLATION

NEW LAW EXPANDS PROTECTED PAID, UNPAID LEAVE

A NEW CALIFORNIA law has further expanded the circumstances under which employees can take protected paid and unpaid leave.

AB 406, which took effect Oct. 1, 2025, expands on last year's revisions to the state's paid sick and safe time and crime-victim leave laws, adding new categories of protected absences that cross multiple statutes — and increasing the complexity of managing employee leave.

Employers will have to revise their HR policies to ensure they comply with the new law as some law firms warn that AB 406 affects a number of intersecting statutes.

What AB 406 does

Effective Oct. 1 — The new law adds two new reasons for which employees can take protected time off:

- To appear in court as a witness to comply with a subpoena or court order, including if the employee is a crime victim.
- To serve on an inquest jury or trial jury.

Effective Jan. 1, 2026 — The law also extends job-protected leave for employees or their family members who are victims of certain serious crimes (the law cites 14 of them). Covered workers may take leave to attend court or administrative proceedings related to those crimes, such as arraignments, pleas, sentencing hearings, parole hearings or other proceedings where victims' rights are at issue.

Overlapping leave laws complicate compliance

The new rules expand and interlink several different statutes — the Healthy Workplaces, Healthy Families Act, the California Family Rights Act and the Fair Employment and Housing Act — making it more difficult for HR departments to determine which law applies to each situation.

For example, an employee attending a sentencing hearing on behalf of a family member could qualify for leave under both the paid sick and safe time law and CFRA if that family member also has a serious health condition. HR teams must carefully review each request to ensure the proper leave type is designated and tracked.

Notice, documentation requirements

The Civil Rights Department has issued a new mandatory workplace notice titled "Survivors of Violence and Family Members of Victims – Right to Leave and Accommodations," which you can find [here](#).

Employers must post and distribute this notice and train managers on confidentiality and retaliation protections.

Steps you can take

- Update employee handbooks and leave policies to reflect AB 406's new covered uses.
- Train HR staff and managers to identify overlapping leave rights and apply the proper designations.
- Post the new CRD notice and review confidentiality and anti-retaliation procedures.
- Audit HR systems and time-off codes to ensure new leave categories are captured.
- Coordinate state and local leave requirements to avoid conflicts.
- Discuss any planned changes with your legal counsel to ensure compliance with the new law.

